

## REMARKS

Claims 1-13 have been examined. Claims 1, 2, 9, 11, and 12 have been rejected under 35 U.S.C. § 112, second paragraph, and claims 1-13 have been rejected under 35 U.S.C. § 103(a).

### **I. Preliminary matters**

The Examiner has objected to the specification because the section headings are underlined. Applicants submit that the amendments to the specification overcome the objection.

### **II. Rejection under 35 U.S.C. § 112, second paragraph**

Claims 1, 2, 9, 11, and 12 have been rejected under 35 U.S.C. § 112, second paragraph, because the phrase “or more” allegedly renders the claims indefinite. Applicants submit that the amendments to the claims overcome the rejection.

### **III. Rejection under 35 U.S.C. § 103(a) over U.S.P. 6,469,239 to Fukuda (“Fukuda”) and U.S.P. 5,887,130 to Doi et al. (“Doi”)**

Claims 1, 3, 5, and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuda and Doi. Applicants submit that the claims are patentable over the references.

#### **A. Claim 1**

For example, claim 1 comprises a batch information storage section that stores batch information that identifies the first information pieces and attributes of the first information pieces stored in the storage section. On the other hand, Fukuda and Doi are completely devoid of a batch information storage section that identifies the first information pieces and the attributes of the first information pieces stored in the storage section. Accordingly, Applicants submit that claim 1 is patentable over the cited references.

**B. Claim 3**

As recited in base claim 1, a second information piece indicates the number of times that a corresponding first information piece has been output to a terminal, and the first information piece is prohibited from being output to the terminal if it already has been output a predetermined number of times. Furthermore, base claim 3 states that an initialization section initializes the second information piece corresponding to the first information piece prohibited from being output to the terminal.

In the illustrative, non-limiting embodiment, if a first information piece (e.g. a music piece) has been output to the terminal three times, it is prevented from being output to the terminal a fourth time. The reason why the music piece is prevented from being repeatedly output to the terminal more than three times is so that the music piece does not become “stereotyped.” However, as explained on page 44 of the present application, in the non-limiting embodiment, the number-of-transfer-times information is initialized under certain conditions so that the music piece can be output to the terminal again.

On the other hand, both Fukuda and Doi are concerned with unauthorized copying of copyrighted material. Accordingly, when the material has been copied a predetermined number of times, additional copying is prohibited. However, neither Fukuda nor Doi suggest initializing a second information piece corresponding to a first information piece prohibited from being output.

Also, since claim 3 depends upon claim 1, it is patentable at least by virtue of its dependency.

**C. Claim 5**

Since claim 5 depends upon claim 1, Applicants submit that it is patentable at least by virtue of its dependency.

**D. Claim 11**

Since claim 11 recites features that are similar to the features recited in claim 1, Applicants submit that it is patentable for reasons that are analogous to the reasons presented above.

**IV. Rejection under 35 U.S.C. § 103(a) over Fukuda, Doi, and U.S.P. 5,542,072 to Kawashima et al. (“Kawashima”)**

Claims 2, 4, 6-10, 12, and 13 have been rejected under 35 U.S.C. § 103(a) over Fukuda and Doi (as applied to claims 1, 3, 5, and 11) and further in view of Kawashima.

**A. Claim 2**

Since claim 2 recites features that are similar to the features recited in claim 1 and since Kawashima does not cure the deficient teachings of Fukuda and Doi with respect to claim 1, Applicants submit that claim 2 is patentable for reasons that are analogous to the reasons presented above.

**B. Claim 4**

Since claim 4 depends upon claim 2, Applicants submit that it is patentable at least by virtue of its dependency.

Also, since claim 4 recites features that are similar to the features recited in claim 3 and since Kawashima does not cure the deficient teachings of Fukuda and Doi with respect to claim

3, Applicants submit that claim 4 is patentable for reasons that are analogous to the reasons presented above.

**C. Claim 6**

Since claim 6 depends upon claim 2, Applicants submit that it is patentable at least by virtue of its dependency.

**D. Claim 7**

Claim 7 relates to a terminal that stores batch information that identifies the first information pieces and attributes of the first information pieces stored in a server. Also, the terminal generates program information pieces based on the batch information, and the program information pieces identify first information pieces to be transferred from the server to the terminal. In addition, the terminal returns the batch information and the program information pieces to the server.

Since Fukuda, Doi, and Kawashima are completely devoid of a terminal that stores and processes batch information and program information pieces in the above manner, Applicants submit that claim 7 is patentable.

**E. Claim 8**

Since claim 8 depends upon claim 7, Applicants submit that it is patentable at least by virtue of its dependency.

**F. Claims 9-13**

Since claims 9-13 contain features that are similar to the features discussed above in conjunction with claims 1, 2, or 7, Applicants submit that they are patentable for similar reasons.

AMENDMENT UNDER 37 C.F.R. § 1.111  
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**V. Newly added claims**

Applicants have added new claims 14-29 to provide more varied protection for the invention.

**VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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